

REMARKS

This responds to the Office Action mailed on March 31, 2006, and the references cited therewith. No claims were amended. Claims 1-20 remain pending in this application. Detailed comments to the rejections in the Office Action are as follows:

Drawings

The drawings were objected to because blocks in Figs. 2 and 3 should be provided with appropriate legends. Corrected drawings are filed herewith. Enclosed are Replacement Sheets including amended Figures 2 and 3 to identify legends of various boxes of the drawings as requested by the Office Action. If the Office has further objection to them, please note same in the next official communication.

§103 Rejection of the Claims

Claims 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer (DE 3629597 A1). Applicant respectfully traverses on several grounds.

I. Patent Office Should Provide English Translation of Fischer

The rejection relies on Fischer for the rejection, which is written in German. Applicant respectfully traverses the rejection for failing to provide an English translation of Fischer. The rejection cites Fischer (see the Office Action: Page 3, Paragraph 3. Line 2). Applicant respectfully asserts that the Office has a duty to provide a translation so the record is clear as to the precise facts the examiner is relying upon in support of the rejection pursuant to M.P.E.P. Section 706.02.¹ If the rejection based on Fischer is not withdrawn in the next official communication, Applicant respectfully requests an English translation of the Fischer reference. In such event, Applicant also respectfully requests that any subsequent Office Action be designated as non-final in order to allow the Applicant to respond to the translated reference.

¹ MPEP section 706.02 Rejection on Prior Art [R-3] - 700 Examination of Applications: II. Reliance upon abstracts and foreign language documents in support of a rejection.

“... To determine whether both the abstract and the underlying document are prior art, a copy of the underlying document must be obtained and analyzed. If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. . . .”

As best understood given the translation issue, the Office is asserting that Fischer provides: "a method, comprising receiving an amplitude modulated signal (see the "USE/ADVANTAGE" section; see also input signal Ue in figure 1); processing the amplitude modulated signal with a capacitively coupled demodulator." Applicant respectfully traverses the assertion of Fischer, since without translation Applicant is unable to fairly determine what the rejection has asserted.

II. The Rejection Relies on Faulty Official Notice

The rejection goes on to assert:

. . . Fischer thus discloses all the claimed limitations except that Fischer employs bipolar transistors T1-T2 instead of metal oxide semiconductor transistors as claimed. The examiner, however, takes Official Notice that such metal oxide semiconductor transistors are known in the art. In addition, those skilled in the art would have recognized that these metal oxide semiconductor transistors could also be used in Fisher without changing the scope and spirit of Fischer's invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the conventional metal oxide semiconductor transistors in Fischer, so that the AM demodulator could be easier to integrated in an IC circuit.

Applicant respectfully and timely traverses this assertion of Official Notice under M.P.E.P. 2144.03 and requests a reference to support it or its withdrawal in the next official communication. Applicant respectfully submits that bipolar junction transistors are not wholly or readily interchangeable with metal oxide semiconductor transistors in circuit designs. Thus, the assertion that one of skill in the art would have made such a replacement is not straightforward and the reference fails to suggest or motivate one of skill in the art to do so. Accordingly, Applicant respectfully asserts that the Office has not established a proper *prima facie* case of obviousness.

Claim 20 is dependent on Claim 19. Applicant respectfully submits that it is patentable for at least the reasons set forth above for claim 19.

Consequently, Applicant respectfully requests reconsideration and allowance of claims 19-20.

Allowable Subject Matter

Applicant notes that claims 1-18 are indicated to be allowable subject matter in the Office Action.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2nd day of October, 2006.

CANDIS BUENDING

Name



Signature